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May 25, 2023

VIA ECF

The Honorable Sarah Netburn
United States Magistrate Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

USDC SDNY
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Re: *Manuel Pena v. Emerald Equity Group LLC, EEG FC LP, EEG FC GP LLC, Archrock LLC, 312 W 114 LP, 320 Manhattan Ave LP, 350 Manhattan Avenue LP, 320 Manhattan Ave Realty LLC, Daily Maintenance LLC, and the Clearstone Group, Inc., Docket No 21-cv-07843*

Dear Judge Netburn:

This Firm represents Defendants EEG FC LP, EEG FC GP LLC, 312 W 114 LP, 320 MANHATTAN AVE LP, 350 MANHATTAN AVENUE LP, and THE CLEARSTONE GROUP, INC.¹ in the above-referenced action (the “Action”). After considerable negotiations, counsel for Plaintiff and Defendants Emerald Equity Group LLC, Archrock LLC, 320 Manhattan Ave Realty LLC, EEG FC LP, EEG FC GP LLC, 312 W114 LP, 320 Manhattan Ave LP, 350 Manhattan Avenue LP, and The Clearstone Group, Inc. (“Settling Defendants”) have come to an agreement regarding the terms of a settlement of the Action and together are currently working on the Settlement Agreement for submission to the Court for review under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). Given that the Plaintiff and Settling Defendants have made this progress, we are jointly requesting the upcoming due dates for Settling Defendants be adjourned in contemplation of settlement: (1) *Ex Parte* Settlement Letters and Acknowledgement Forms due May 25, 2023; (2) the Settlement Conference on June 1, 2023; and (3) all Fact Discovery due June 30, 2023.

¹ Defendant Daily Maintenance LLC is not represented by this firm or Mr. Weinberger or Mr. Beldner in this matter. Daily Maintenance has not joined in the settlement.

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This proposal is being submitted without waiver of any rights, remedies, or defenses in this matter, all of which are expressly reserved. We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Regina E. Faul

Regina E. Faul


REF:

cc: Shelly L Friedland, Esq. (via ECF)
Eyal Dror, Esq. (via ECF)
Attorneys for Plaintiffs

Stuart Alan Weinberger, Esq. (via ECF)
Joshua Sam Beldner, Esq. (via ECF)
Attorneys for Defendants Emerald Equity Group LLC and Archrock LLC

Daily Maintenance, LLC (Via Email – Joseph@aizerrealty.com)

The parties' request to adjourn fact discovery deadlines and the June 1, 2023 settlement conference is GRANTED. The parties are directed to file their settlement agreement no later than June 15, 2023.
SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

Dated: May 26, 2023
New York, New York